

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

THOMAS LEE MERCER,

Defendant/Movant,

CASE NO. 07-20167

09-13350

Hon. Lawrence P. Zatkoff

OPINION AND ORDER

This matter is before the Court on Defendant's Motion for Reconsideration (Docket #48) and Motion for Leave of Court to File Addendum to Defendant's Motion for Reconsideration (Docket #50).

In order to obtain reconsideration of a particular matter, the party bringing the motion for reconsideration must: (1) demonstrate a palpable defect by which the court and the parties have been misled; and (2) demonstrate that "correcting the defect will result in a different disposition of the case." E.D. Mich. L.R. 7.1(g). See also *Graham ex rel. Estate of Graham v. County of Washtenaw*, 358 F.3d 377, 385 (6th Cir. 2004); *Aetna Cas. and Sur. Co. v Dow Chemical Co.*, 44 F.Supp.2d 865, 866 (E.D. Mich. 1999); *Kirkpatrick v. General Electric*, 969 F.Supp. 457, 459 (E.D. Mich. 1997). "[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." E.D. MICH. LR 7.1(g)(3).

The Court hereby denies Defendant's Motion for Reconsideration. In essence, Defendant reiterates the arguments he made in filing his 28 U.S.C. § 2255 Motion and his objections to Magistrate Judge Paul J. Komives' Report and Recommendation, both of which the Court has reviewed and considered.. Although Defendant cites one additional case, he is asking the Court to revisit the same issues expressly ruled upon by the Court in deciding Defendant's § 2255 Motion.

The Court also finds that Defendant has asserted no new arguments in his Motion for Leave of Court to File Addendum to Defendant's Motion for Reconsideration. Accordingly, the Court DENIES that motion as well.

Therefore, for the reasons stated above, Defendant's Motion for Reconsideration (Docket #48) and Motion for Leave of Court to File Addendum to Defendant's Motion for Reconsideration (Docket #50) are DENIED. In addition, for the reasons stated in the Court's May 24, 2010 Opinion and Order Adopting Magistrate Judge's Opinion and Order, Defendant's Motion for Certificate of Appealability (sent to the Sixth Circuit Court of Appeals but docketed in this Court) (Docket #49) is hereby DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: August 19, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on August 19, 2010.

S/Marie E. Verlinde
Case Manager
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